

AMENDMENT UNDER 37 C.F.R. § 1.116  
Application No.: 10/559,381

Attorney Docket No.: Q91866

REMARKS

Status of the Application

Claims 1-18 are all the claims pending in the application. Claims 17 and 18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 1-5, 8-11, 15, 16, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson (US Patent 6,926,178) in view of Schmidt et al. (US Patent 5,565,275). Claims 6 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt and Yasukawa et al. (US Patent 5,085,005). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt and Yasukawa as applied to claims 6 and 13 above, and further in view of Weikel et al. (US Patent 6,306,514). Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Anderson in view of Schmidt as applied to claim 9 above, and further in view of Thomas et al. (EP 0969069).

By this Amendment, Applicants hereby amend claims 1, 13 and 15, and cancel claims 17 and 18.

Claim Rejections - 35 U.S.C. § 112, first paragraph

*Claims 17 and 18 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.*

The subject matter of claims 17 and 18 is hereby incorporated into claim 1, resulting in the cancellation of claims 17 and 18. Thus, the following arguments will be directed toward claim 1.

Applicants respectfully submit that the seals in Figure 1 of the instant specification are shown as being made of a one piece integral structure, and do not include a rigid insert.

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Furthermore, the written description for the instant application does not describe the seals as being made from multiple parts or indicating that the seal includes a rigid insert. Accordingly, based on the drawings and written description, Applicants respectfully submit that the claimed subject matter is sufficiently supported.

Additionally, the instant specification refers to EP0969069 (see page 1, lines 32-37), and it is explicitly states that the invention provides a valve seal having a different mineral filler (see page 2, lines 1-5). Thus, the valve seat recited in claim 1 is an improvement of the valve seals disclosed by EP0969069 (see page 5, lines 5-6), which is a one-piece construction. See also the tables on page 4 of the instant specification, where the mineral filler of the invention (Sillitin) is compared to kaolin, which is the mineral filler of EP0969069.

Accordingly, Applicants respectfully submit that claim 1 satisfies the written description requirement of 35 U.S.C. § 112, first paragraph. Withdrawal of the rejection is hereby respectfully requested.

**Claim Rejections - 35 U.S.C. § 103(a)**

*Claims 1-5, 8-11, 15, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson (US Patent 6,926,178) in view of Schmidt et al. (US Patent 5,565,275).*

Without conceding to the merits of the Examiner's rejection, Applicants hereby incorporate the subject matter of claims 17 and 18 into claim 1. Because the subject matter of claim 18 is not subject to the instant prior art rejection, Applicants respectfully submit that amended claim 1 is patentable over the applied art.

Further, at col. 1, lines 41-44, Anderson explicitly indicates that the construction of the seal disclosed therein includes two components, a rigid outer section and a flexible inner section.

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In other words, Anderson discloses the use of a two-component seal. On the other hand, as amended, claim 1 requires a one-piece integral construction. Because Anderson teaches away from the use of one-piece construction, the Examiner's proposed combination of references cannot render amended claim 1 obvious.

Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the Examiner's proposed combination of references. Claim 15 is hereby amended in similar manner to claim 1, and is patentable for reasons analogous thereto. Claims 2-5, 8-11 and 16 are patentable at least by virtue of their respective dependencies.

*Claims 5 and 13 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt and Yasukawa et al. (US Patent 5,085,005).*

Claim 6 depends from amended claim 1. Because the Examiner's proposed combination of references fails to render amended claim 1 obvious, and because Yasukawa fails to cure the deficiencies noted with respect to claim 1, claim 6 is patentable at least by virtue of its dependency from amended claim 1.

Claim 13 is hereby amended in similar manner to claim 1, and is patentable for reasons analogous thereto. More particularly, as noted with respect to claim 1, the Examiner's proposed combination of Anderson and Schmidt fails to render amended claim 1 obvious; because Yasukawa fails to cure the deficiencies noted in the proposed combination of Anderson and Schmidt, claim 13 is patentable over the Examiner's applied combination of references.

*Claims 7 and 14 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt and Yasukawa as applied to claims 6 and 13 above, and further in view of Weikel et al. (US Patent 6,306,514).*

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Claims 7 and 14 depend from amended claims 1 and 13. Because the Examiner's proposed combination of references fails to render amended claims 1 and 13 obvious, and because Yasukawa and Weikel fail to cure the deficiencies noted with respect to claim 1, claims 7 and 14 are patentable at least by virtue of their dependency from amended claim 1.

*Claim 12 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson in view of Schmidt as applied to claim 9 above, and further in view of Thomas et al. (EP 0969069).*

Claim 12 depends from amended claim 1. Because the Examiner's proposed combination of references fails to render amended claim 1 obvious, and because Thomas fails to cure the deficiencies noted with respect to claim 1, claim 12 is patentable at least by virtue of its dependency from amended claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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